

Exhibit 5



September 9, 2024

Katrell Lewis
Cozen O'Connor Public Strategies
3 WTC, 175 Greenwich Street 55th Floor
New York, NY 10007

Dear Mr. Lewis:

Thank you for reaching out to us on behalf of your client X, formerly known as Twitter, to request a discussion on potential changes to our bill, [S.895B / A.6789B](#), known as the Stop Hiding Hate Act, which passed both houses of the New York State Legislature earlier this year and is awaiting Governor Hochul's signature. Unfortunately, we must refuse your request because of the disturbing record on the part of your client, X, and in particular, its owner, Elon Musk, that threatens the foundations of our democracy.

As you know, our bill, which was written in partnership with the Anti-Defamation League, will require large social media companies, such as X, to provide greater transparency and accountability for their policies and moderation practices regarding online hatred and misinformation. Under our bill, social media companies will be required to submit their terms of service report to the New York State Attorney General, including a statement on whether the terms of services define, and how they define, hate speech, racism, extremism, radicalization, disinformation, misinformation, harassment, and foreign political interference, as well as how they enforce those policies, and any steps they have taken regarding data and posts that fall within these categories.

It is our sincere belief that the current social media landscape makes it far too easy for bad actors to promote false claims, hatred and dangerous conspiracies online, and some

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large social media companies are not able or willing to regulate this hate speech themselves. Users of these platforms have a right to know what types of actions these platforms are taking with regards to hate speech and misinformation and then make their own, informed decision about if they would like to use them or not. By making their hate and disinformation policies more easily accessible and understandable, users will be better able to decide for themselves which social media platforms align with their personal beliefs. It is important to note that our bill does not ban any speech or restrict any postings online that are not already illegal.

Though X is by no means the only platform this bill intends to regulate, we have seen drastically higher reports of online hate speech ever since the company's ownership change.¹ In just the first few months after Mr. Musk bought Twitter, there was an over 200% increase in posts using racial slurs and a 62% increase in posts using transphobic slurs.² There was also a dramatic increase in the spreading of election misinformation including, but not limited to, conspiracy theories surrounding the 2020 US Presidential Election and a 91% increase in QAnon related posts³.

Mr. Musk has personally used the platform to promote transphobic⁴, antisemitic⁵, and anti-immigrant⁶ ideologies, as well as share memes and incendiary comments containing misinformation about violent protests.⁷ He has also used his X account to spread misinformation about elections and political figures in the United States. According to the Center for Countering Digital Hate, Mr. Musk has posted or reshared at least 50 posts, just this year, containing lies about U.S. elections that have been debunked by independent fact checkers.⁸ This includes, but is not limited to, lies about the eligibility of undocumented immigrants to vote in federal elections⁹, articles

¹ <https://time.com/6295711/twitters-hate-content-advertisers/>

² <https://counterhate.com/blog/the-musk-bump-quantifying-the-rise-in-hate-speech-under-elon-musk/>

³ <https://www.adl.org/resources/blog/qanon-resurgent-twitter>

⁴ <https://www.them.us/story/elon-musk-twitter-transphobic-tweets>

⁵ <https://www.cnn.com/2023/11/17/business/elon-musk-reveals-his-actual-truth/index.html>

⁶ <https://www.cnn.com/2024/08/06/tech/elon-musk-civil-war-uk-riots/index.html>

⁷ <https://www.politico.eu/article/elon-musk-reignites-race-row-with-scotlands-former-leader-humza-yousaf/>

⁸ <https://www.nbcnews.com/tech/misinformation/elon-musk-misleading-election-claims-x-views-report-rcna165599>

⁹ <https://www.cnn.com/2024/08/13/tech/elon-musk-donald-trump-x/index.html>

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containing conspiracy theories about the attack on Paul Pelosi¹⁰, and an altered video of a Kamala Harris campaign advertisement, with no indication that the clip was a misleading parody.¹¹

Mr. Musk's posts are almost never tagged with the user generated "community notes," the main tool for fact checking misinformation on X. It seems clear to us that X needs to provide greater transparency for their moderation policies and we believe that our law, as written, will do that.

For all of these reasons, we decline the request on behalf of your client, X, to discuss amendments to the Stop Hiding Hate Act.

Sincerely,



Brad Hoylman-Sigal
State Senator
47th Senate District



Grace Lee
State Assemblymember
65th Assembly District

¹⁰ <https://www.nytimes.com/2022/10/30/business/musk-tweets-hillary-clinton-pelosi-husband.html>

¹¹ <https://www.nbcnews.com/news/us-news/elon-musk-retweets-altered-kamala-harris-campaign-ad-rcna163985>